



**A = Approved, A1 = Approved First Reading, A2 = Approved Second Reading, D = Deferred,
NA = No Action, PH = Authorized Public Hearing, AD = Approval Denied**

ACTION AGENDA

Hickory City Council
76 North Center Street

February 1, 2022
7:00 p.m.

- I. Call to Order
- II. Invocation by Reverend Christy Lohr-Sapp, St. Andrews Lutheran Church
- III. Pledge of Allegiance
- IV. Special Presentations
 - A. Presentation of an Award Certificate from the Western Piedmont Council of Governments related to the Project "A Study of Equity, Economic, and Demographic Data for the City of Hickory" and an Update on Ridgeview Works – Presented by Western Piedmont Council of Governments Executive Director Anthony Starr.

Western Piedmont Council of Governments Executive Director Anthony Starr presented City Council with an Award Certificate. The Western Piedmont Council of Governments was awarded an Aliceann Wohlbruck Impact Award by the National Association of Development Organizations for the project "A Study of Equity, Economic, and Demographic Data for the City of Hickory". He also updated Council on Ridgeview Works which was a partnership with the Western Piedmont NCWorks Career Center and the City of Hickory. NCWorks would be providing career services at the Ridgeview Branch Library every Wednesday from 1:00 p.m. to 5:00 p.m.
 - B. Presentation of a Proclamation for SkillsUSA Week to Dr. Garrett Hinshaw, CVCC President, Tammy Muller, CVCC Executive Director of Strategic Business Partnerships & Skills USA and Gary Muller, CVCC Executive Dean of Economic Development and Continuing Education. **(Exhibit IV.B.)**

Mayor Guess read and presented a Proclamation for SkillsUSA Week to CVCC staff members Tammy Muller and Gary Muller.
 - C. Presentation of the Distinguished Budget Award for the Fiscal Year Beginning July 1, 2021. This is the twenty-seventh consecutive year the City has received this recognition – Presented to Budget Analyst Johnathan Rosales. **(Exhibit IV.C.)**

Mayor Guess read and presented the Distinguished Budget Award to Budget Analyst Johnathan Rosales.
- V. Persons Requesting to Be Heard
- VI. Approval of Minutes
 - A. Regular Meeting of January 4, 2022. **(Exhibit VI.A.)**
- VII. Reaffirmation and Ratification of Second Readings. Votes recorded on first reading will be reaffirmed and ratified on second reading unless Council Members change their votes and so indicate on second reading.

February 1, 2022

- A2** A. Budget Revision Number 11. **(First Reading Vote: Unanimous)**
- A2** B. Consideration of Rezoning Petition Number 21-08 for Property Located at 3320, 3326, 3330, and 3342 9th Avenue Drive NW, from R-1 Residential to Neighborhood Center Commercial (NC). **(First Reading Vote: Ayes: Alderman Wood, Alderman Seaver, Mayor Guess, and Alderman Williams; Nays: Alderwoman Williams, Alderman Zagaroli, and Alderwoman Patton)**
- VIII. Consent Agenda: All items below will be enacted by vote of City Council. There will be no separate discussion of these items unless a Council Member so requests. In which event, the item will be removed from the Consent Agenda and considered under Item IX.
- A** A. Approval of the Appointment of Joshua Worsham to the Hickory Fire Department's Board of Trustees for the Local Relief and Supplemental Retirement Board. **(Exhibit VIII.A.)**
- Staff request approval of the appointment of Joshua Stephen Worsham to the Hickory Fire Department Local Relief and Supplemental Retirement Board of Trustees. The Fire Department Board of Trustees Local Relief and Supplemental Retirement Board consists of five board members. The five members consist of one appointed by the North Carolina Insurance Commissioner, two appointed by Mayor and Council, and two elected by the fire department membership. The purpose of the board is to administer the disbursement of funds received from the North Carolina State Firefighter's Association for local firefighter relief and supplemental retirement programs. As of January 11, 2022, Captain Jeffrey D. Boggs submitted a letter to the Board of Trustees Chairman Matt Hutchinson giving notice of leave from the appointed position by March 31, 2022. This is to ensure that a sufficient amount of notification is given to appoint a new board member. A recommendation for appointment has been submitted identifying Senior Firefighter Joshua Worsham to be considered for this position. Staff recommends Council's approval of the appointment of Joshua Worsham to the Hickory Fire Department's Board of Trustees for the Local Relief and Supplemental Retirement Board.*
- PH/A** B. Call for a Public Hearing for Consideration of a Voluntary Non-Contiguous Annexation of 13.384 Acres of Property Located Between 47th Avenue Place NE and 48th Avenue Lane NE, PIN 3735-13-02-2954. **(Authorize Public Hearing for February 15, 2022, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building.) (Exhibit VIII.B.)**
- A** C. Approval of Awarding Retiring MPO Stephanie Roberts with her Service Weapon upon her Retirement on April 1, 2022. **(Exhibit VIII.C.)**
- Hickory Police Department requests City Council award retiring MPO Stephanie Roberts her service weapon (Glock Model 17 - Serial # UHF169) and badge upon her retirement April 1, 2022. MPO Stephanie Roberts will retire from the City of Hickory Police Department April 1, 2022, after completing approximately 25 years of qualifying service to the citizens of Hickory. By authority of North Carolina General Statutes, City Council may award the service weapon and police badge to MPO Stephanie Roberts upon her retirement from Hickory Police Department. Upon approval from City Council, the police badge and service weapon will be declared surplus and removed from the City's fixed asset inventory. Staff recommends approval of awarding the service weapon and police badge to MPO Stephanie Roberts upon her retirement from Hickory Police Department.*
- A** D. Approval of the Vacant Building Revitalization Performance Agreement Amendment One for Riding the Rails, LLC. **(Exhibit VIII.D.)**
- Staff requests Council's approval of the Vacant Building Revitalization Performance Agreement Amendment One for Riding the Rails, LLC. Riding the Rails, LLC was approved on May 5, 2020 for funding in the amount of \$20,000 to assist in the renovation of the vacant building at 703 Main Avenue SW. The applicant is renovating the 11,342 square foot building for use as an office for use by Atriax Group, an architecture and*

engineering firm. The applicant plans to invest at least \$1.2 million dollars in real property improvements to rehabilitate the building and to install a sprinkler system. This makes the project eligible for a \$20,000 forgivable loan. Due to delays resulting from the COVID-19 pandemic and extensive project workload, Riding the Rails, LLC has requested a 180-day extension to complete the improvements and occupy the building. The Business Development Committee reviewed the extension request and recommended approval. The revised deadline for completion of the improvements and occupancy of the building will be November 1, 2022. Staff recommends Council's approval of the Vacant Building Performance Agreement Amendment One with Riding the Rails, LLC.

- A E. Approval of a Cemetery Deed Transfer from Mary Kathryn Frye Hemphill, by Kathryn G. Hemphill, Attorney in Fact, to Kathryn G. Hemphill, married, Oakwood Cemetery, Gravesites Numbers 001, 004, 005, 007 and 008, of Plot G, Lot Number 3, Section 45. (Prepared by Kathryn G. Hemphill, Esquire, Hemphill Law Firm, PLLC) **(Exhibit VIII.E.)**
- A F. Approval of a Cemetery Deed Transfer from Steven E. Bowman and wife, Vicki V. Bowman to James S. Teague, Oakwood Cemetery, Section 58, Plot F3, Lots 5 and 6. (Prepared by Kevin C. McIntosh, Esquire) **(Exhibit VIII.F.)**
- A G. Approval of a Cemetery Deed Transfer from James Fred Galloway and wife, Donna Young Galloway, Nancy Ruthann G. Brawley (aka Ruthann G. Brawley) unmarried, to Elizabeth June Clain, unmarried, Oakwood Cemetery, Section 58, Plot K9, Lot Number 2. (Prepared by Casey W. Pope, Patrick, Harper & Dixon, L.L.P. **(Exhibit VIII.G.)**
- A1 H. Budget Revision Number 12. **(Exhibit VIII.H.)**
 - 1. To recognize and budget an amount equal to the actual revenues of Parking Rentals and Parking Fines realized during FY20-21. This amount totals \$54,602 and will be transferred to the Capital Reserve Fund (Fund 070), to be earmarked for future parking-related projects pursuant to City Council's 1995 "Resolution of Establishment and Maintenance of the Parking Capital Reserve Fund."
 - 2. To correct the appropriate revenue sources to fund the design contract for Hickory Metro Convention Center expansion. Funds were originally planned to be borrowed, but now TDA operating revenues will pay for design fees.
 - 3. To appropriate the remaining amount (\$3,856,631) in 2021 GO Bond Proceeds as well as \$953,334 in 2021 GO Bond Premium towards various bond projects. In addition, this revision corrects all accounts for bond projects that have been bid as well as budgeted amounts for the remaining bond projects based on engineer estimates.
- A1 I. Budget Revision Number 13. **(Exhibit VIII.I.)**
 - 1. To appropriate \$26,335 in Water & Sewer GovDeals vehicle and equipment sales towards the purchase of new fuel system software for Fleet Services.
 - 2. To appropriate \$780 in GovDeals vehicle and equipment sales towards Fire Department operations.
 - 3. To appropriate \$33,950 in GovDeals vehicle and equipment sales towards Fire Department capital purchases.
 - 4. To appropriate \$110 in donations towards Library department supplies.
 - 5. To appropriate \$3,580 from an insurance claim reimbursement towards Airport operations for damage done to a fence on 8/4/21.
 - 6. To appropriate \$250 in donations towards Community Navigator supplies.
 - 7. To recognize and appropriate \$80,000 in 2021-2022 Urgent Repair Program funds.
 - 8. To appropriate \$47,155 from an insurance claim reimbursement towards Street operations for damage done to a dump truck. The truck was totaled on 10/13/21.
 - 9. To appropriate \$2,186 in Library funds towards the Ridgeview Library Expansion Project (#630001) for design services provided by McMillan/Pazdan/Smith.

IX. Items Removed from Consent Agenda

X. Informational Item

XI. New Business:

A. Public Hearings

A1 1. Consideration of Proposed Amendments to Chapter 21, Sections 21-8, 21-9 and Section 21.11 of the Hickory City Code of Ordinance – Presentation by Deputy City Attorney Arnita Dula. **(Exhibit XI.A.1.)**

Staff requests Council's consideration of amendments to Chapter 21 Miscellaneous Offenses, Section 21-8.- Reserved, Section 21-9. - Imitating police whistle, fire siren, etc., and Section 21-11. – Malt beverages, wine – Hours of sale of beer or wine. of the Hickory Code of Ordinances. On September 10, 2021, Governor Cooper signed into law House Bill 890 ABC Omnibus Legislation (S.L. 2021-150). A provision in the bill amended G.S. 18B-904 by adding subsection (h) which allows permittees holding ABC permits for on-premises consumption of alcohol to extend their premises for the outdoor possession and consumption of alcohol. In order for permittees to extend their premises now, a City must adopt an ordinance authorizing the extension. Permittees must also meet several other requirements set forth in the subsection. There are three proposed amendments to Chapter 21. The first amendment is the addition of a substantive ordinance which will meet the statutory requirements to authorize permittees with on-premises ABC permits to extend their premises for the outdoor possession and consumption of alcohol. The new ordinance will be numbered as Section 21-9. – Extension of license premises. The second proposed amendment involves formatting changes. Current Section 21-9. – Imitating police whistle, fire siren, etc. will be renumbered as Section 21-8. New Section 21-9 will be the substantive ordinance referenced in the preceding paragraph. The formatting changes will place the three sections related to alcohol together and will be outlined as follows: Section 21-8. – Imitating police whistle, fire siren, etc.; Sec. 21-9. – Extension of license premises.; Section 21-10. - Alcoholic beverages – consumption on City property; social districts.; and Section 21-11. – Malt beverages, wine, Hours of sale of beer or wine. The third amendment is to revise Section 21-11's heading – Malt beverages, wine, Hours of sale of wine, so it is consistent with Section 21-10's recently amended heading – Alcoholic beverages – Consumption on City property. Staff recommends Council's consideration and adoption of the amendments to Chapter 21 Miscellaneous Offenses, Sections 21-8, 21-9 and 21-11 of the Code.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on January 21, 2022.

A 2. Consideration of a Resolution Directing that the Street Improvement Project be Undertaken for Property Located at 2510 and 2520 17th Street NE, Hickory, Petition Number 22-01. – Presentation by Public Services Director Steve Miller. **(Exhibit XI.A.2.)**

The City Clerk received a petition from the owner of property along 17th Street NE to install curb and gutter along a portion of their street as per Section 29-2 of the Hickory Code of Ordinances. The petitioner(s) represent a majority, greater than 50 percent of the property owner(s), as well as a majority greater than 50 percent of the property footage of the property frontage requested in the petition and therefore qualifies as a valid petition. On January 4, 2022, City Council approved the Resolution to hold a public hearing. The signature(s) on the petition represent 100 percent of the property owner(s) affected, who in turn represent 100 percent of the property footage affected. The City Clerk validated these numbers on the Certificate of Sufficiency. Staff recommends Council's approval of a Resolution

directing that street improvement project be undertaken for petition number 22-01 that is requesting the City to construct curb and gutter along a portion of 17th Street NE.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on January 7, 2022.

B. Departmental Reports

- NA 1. Quarterly Financial Report – Presentation by Deputy City Manager Rodney Miller
- A 2. Appointments to Boards and Commissions

CITIZENS ADVISORY COMMITTEE

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Small Cities Project Area

VACANT

COMMUNITY APPEARANCE COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
At-Large (Outside City but within HRP) (Council Appoints)

VACANT

COMMUNITY RELATIONS COUNCIL

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Other Minority (Council Appoints)

VACANT

Other Minority (Council Appoints)

VACANT

Other Minority (Council Appoints)

VACANT

Differently Abled and is African American or Other Minority (Council Appoints)

VACANT

Differently Abled (Council Appoints)

Beth Whicker

(Not Eligible for Reappointment)

HISTORIC PRESERVATION COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

At-Large (2)(Council Appoints)

Mary Moorer

(Eligible for Reappointment/Does Not Wish to Serve Again)

LIBRARY ADVISORY BOARD

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Ward 3 (Seaver Appoints)

VACANT

(Beth Schauble Resigned 11-10-2021)

PUBLIC ART COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Ward 4 (D. Williams Appoints)

VACANT

At-Large (Mayor Appoints)

Beth Bowman

(Not Eligible for Reappointment)

At-Large (Mayor Appoints) (Harold Humphrey Resigned 11-4-2021)

VACANT

Mayor Guess nominated Dana Andreasson as an At-Large Representative on the Public Art Commission.

RECYCLING ADVISORY BOARD

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Ward 6 (Patton Appoints) (Lona Hedrick Resigned 1-11-2022)

VACANT

YOUTH COUNCIL

(Terms Expiring 6-30; 1-Year Terms) (Appointed by City Council)

Youth Council Applicant Review Committee Recommends the Following Appointments:

Fred T. Foard
Homeschool

VACANT
VACANT

C. Presentation of Petitions and Requests

- XII. Matters Not on Agenda (requires majority vote of Council to consider)
- XIII. General Comments by Members of Council, City Manager or City Attorney of a Non-Business Nature
- XIV. Adjournment

***Hickory City Code Section 2-56. Public Address to Council:**

“When conducting public hearings, considering ordinances, and otherwise considering matters wherein the public has a right to be heard, when it appears that there are persons present desiring to be heard, the Mayor shall require those opposing and favoring the proposed action to identify themselves. Each side of the matter shall be given equal time. Those opposing the proposed action shall be allowed 15 minutes for presentation, followed by 15 minutes for those favoring the action, with the opponents then to have five minutes for rebuttal and the proponents to then have five minutes for surrebuttal. Those persons on either side shall have the right to divide their allotted time among them as they may choose. The Council, by majority vote, may extend the time for each side equally. On matters in which the person desiring to address the Council does not have a legal right to speak, the Council shall determine whether it will hear the person. The refusal to hear a person desiring to speak may be based upon grounds that the subject matter is confidential, that its public discussion would be illegal, that it is a matter not within the jurisdiction of the Council or for any other cause deemed sufficient by the Council. Any person allowed to speak who shall depart from the subject under discussion or who shall make personal, impertinent, or slanderous remarks, or who shall become boisterous while addressing the Council shall be declared out of order by the Mayor, or by vote of the Council, and barred from speaking further before the Council unless permission to continue shall be granted by a majority vote of the Council, under such restrictions as the Council may provide.”

**The City of Hickory holds all public meetings in accessible rooms.
Special requests for accommodation should be submitted by individuals
with disabilities at least 48 hours before the scheduled meeting.
Phone Services (hearing impaired) – Call 711 or 1-800-735-2962**